

**REMARKS/ARGUMENTS**

Upon entry of the above amendment, claim 32 will have been canceled, and claims 17 and 29 will have been amended for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant thanks the Examiner for the detailed Official Action he provided.

Applicant also notes with appreciation the Examiner's acknowledgment of Applicant's Information Disclosure Statement filed in the present application on January 17, 2006, as evidenced by the return of the initialed and signed PTO-1449 Form, and for consideration of the documents cited therein.

Turning to the merits of the action, claims 17-20, 23, 24, 26, and 29-31 stand rejected under 35 U.S.C §102(e) as being anticipated by U.S. Patent No. 6,308,205 to CARCERANO et al. Claims 22, 25, 27, 28 and 32 stand rejected under 35 U.S.C §103(a) as being unpatentable over CARCERANO in view of U.S. Patent No. 7,012,708 to TAMARU et al. Applicant respectfully traverses both grounds of rejection for the reasons discussed below.

As noted above, Applicant has canceled claim 32 and has amended claims 17 and 29 for the Examiner's consideration. Applicant respectfully traverses the above rejections based on the pending claims, and will discuss the

rejection with respect to the pending claims in the present application, as will be set forth hereinbelow.

Applicant's invention, as defined by the claims, generally relate to a transmitting apparatus which communicates with a receiving apparatus. According to the presently claimed invention, the receiving apparatus exchanges data with a monitor apparatus that monitors a status of the receiving apparatus. The transmitting apparatus has a receiver that receives, from the monitoring apparatus, status information of the receiving apparatus, and a memory that stores the status information of the receiving apparatus. The transmitting apparatus further includes a controller that checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. The controller notifies a user of the transmitting apparatus of the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus. The controller additionally transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus.

With respect to the rejection of claims 17-20, 23, 24, 26, and 29-31 under 35 U.S.C. §102(e), Applicant submits that CARCERANO relates to a management system for viewing and updating a configuration of one or more network devices connected to a network. In the system of CARCERANO et al.,

each of the network devices is repeatedly polled over the network by a network management server for configuration information, and this information is stored in a database of the network management server. The network management server receives a request from a web browser for status or configuration information about a targeted network device. The network management server generates a response to the request based on the database, rather than on information obtained directly from the targeted network device (see, for example, col.2, lines 12-21). The response to the request is received at the web browser from the network management server. The response is HTML code representative of a visual display of configuration information for the targeted network device (see, for example, col.15, lines 22-40).

However, Applicant submits that CARCERANO et al. fail to disclose (or even suggest) a controller that checks the status information of the receiving apparatus that is stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and further, notifies, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus, as is taught by Applicant's claimed invention. Instead, Applicant submits that CARCERANO et al. disclose a browser that, when a user selects one of the network devices from the device list to view the status or configuration of a device (see steps S901-S902 of Fig.9), the browser of the user sends a URL-encoded request to the network management

server (see, for example, step S903 of Fig.9), the browser receives a response to the URL-encoded request (see, for example, step S904 of Fig.9), and the browser generates a visual display or other information represented by the response (see, for example, step S905 of Fig.9 and col.15, lines 41-56). In other words, CARCERANO et al. merely discloses a browser that receives status information of a targeted network device that is stored in the memory of a network management server without accessing the targeted network device when the targeted network device is selected for viewing the status or configuration of the targeted network device, and displays the status information of the targeted network device. Furthermore, in CARCERANO et al., after the status or configuration of the targeted network device is displayed at the browser (see, for example, step S905 of Fig.9), the browser merely determines whether the user wants to change the status or configuration of the targeted network device (see, for example, step S907 of Fig.9) and does not transmit data to the targeted network device (see, for example, Fig.9 and col.15, line 57 - col.16, line 3). Thus, Applicant submit that CARCERANO et al. does not disclose a controller that checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and further, notifies a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus, as is performed by Applicant's claimed invention.

Applicant further submits that CARCERANO et al. fail to disclose (or even suggest) a controller that transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus. Instead, CARCERANO et al. teaches that after the status or configuration of the targeted network device is displayed at the browser, the browser merely determines whether the user wants to change the status or configuration of the targeted network device and does not transmit data to the targeted network device (see, for example, steps S905 and S907 in Fig.9 and col.15, line 57 - col.16, line 3).

On the other hand, the presently claimed invention is directed to a transmitting machine which checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus, when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus and notifies, to a user of the transmitting machine, the status information of a receiving machine prior to (e.g., before) transmitting the transmitting data to the receiving machine. The transmitting apparatus transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus. As a result, the user of the transmitting machine of the present invention can, for example, avoid transmitting the transmitting data to a receiving machine which can not receive

the transmitting data. Applicant submits that CARCERANO et al. does not contain any disclosure about at least these features of the present invention, nor are these features suggested by the applied art.

Accordingly, Applicant submits that CARCERANO et al. fail to anticipate the presently claimed invention, as the reference fails to teach each and every feature recited in Applicant's claims.

In the view of the above, Applicant submits that the ground for the 35 U.S.C. §102(e) rejection no longer exists. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection.

With respect to the rejection of claims 22, 25, 27, 28 and 32 under 35 U.S.C. §103(a), Applicant submits that TAMARU et al. fail to disclose that which is lacking in CARCERANO et al. TAMARU et al. is directed to a transmitting Internet facsimile apparatus that transmits, to a mail server via the Internet, an e-mail directed to a receiving Internet facsimile apparatus and that transmits, to the receiving Internet facsimile apparatus, a predetermined notice indicating that the transmitting Internet facsimile apparatus has transmitted the e-mail directed to the receiving Internet facsimile apparatus. As the Examiner asserted in the outstanding Official Action mailed on July 12, 2006, TAMARU et al. teach that the IFAX on the transmitting end transmits a mail transmission notice to IFAX at the receiving end.

However, Applicants submits that TAMARU et al. fail to disclose (or even suggest) a controller that checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing

the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifies, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus. Rather, TAMARU et al. merely disclose a transmitting Internet facsimile apparatus that transmits, to a mail server via the Internet, an e-mail directed to a receiving Internet facsimile apparatus as well as transmits, to the receiving Internet facsimile apparatus, a mail transmission notice. Thus, Applicant submits that TAMARU et al. does not contain any disclosure regarding checking of the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, as well as notifying of the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus.

Further, Applicant submits that CARCERANO et al. fails to disclose (or even suggest) a controller that transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus. Rather, TAMARU et al. merely disclose a transmitting Internet facsimile apparatus that transmits, to a mail server via the Internet, an e-mail directed to a receiving Internet facsimile apparatus as well as transmits, to

the receiving Internet facsimile apparatus, a mail transmission notice. Thus, Applicant submits that TAMARU et al. does not contain any disclosure regarding a transmission of the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus.

Applicant submits that TAMARU et al. does not contain any disclosure about the features of the present invention, nor are such features suggested by the applied document. Therefore, Applicant submits that TAMARU et al. fails to disclose that which is lacking in CARCERANO et al.

Accordingly, Applicant submits that even if one attempted to combine the teaching of CARCERANO et al. with the teaching with TAMARU et al., in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at least, a transmitting apparatus that checks status information of a receiving apparatus stored in a memory without accessing a monitoring apparatus when destination information of a receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and further, notifies the user of the transmitting apparatus of the status information of the receiving apparatus prior to (before) a transmission of the transmitting data to the receiving apparatus. Further, Applicant submits that such a combination would also lack, at least, a transmitting apparatus which transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus.



Therefore, Applicant submits that the suggested combination of CARCERANO et al. and TAMARU et al. does not render the presently claimed invention obvious, as defined by claims 22, 25, 27, 28 and 32 and thus, respectfully requests that the 35 U.S.C. §103(a) rejection be withdrawn.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and an indication of the allowability of all the claims pending in the present application in due course.

### **SUMMARY AND CONCLUSION**

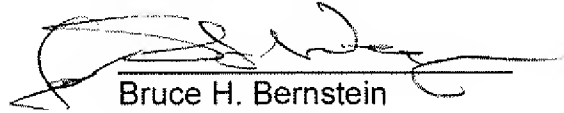
Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended the rejected claims for consideration by the Examiner. With respect to the pending claims, Applicant has pointed out patentable features thereof and has contrasted features of the pending claims with the disclosures of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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